

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re WACHOVIA EQUITY SECURITIES
LITIGATION

No. 08 Civ. 6171 (RJS)
ORDER

In re WACHOVIA PREFERRED SECURITIES AND
BOND/NOTES LITIGATION

No. 09 Civ. 6351 (RJS)
ORDER

STICHTING PENSIOENFONDS ABP,

Plaintiff,

-v-

WACHOVIA CORPORATION, *et al.*,

Defendants.

No. 09 Civ. 4473 (RJS)
ORDER

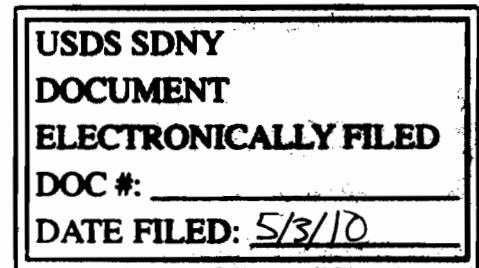
FC HOLDINGS AB, *et al.*,

Plaintiffs,

-v-

WELLS FARGO & COMPANY, *et al.*,

Defendants.



No. 09 Civ. 5466 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

On April 15, 2010, this Court issued an Order informing Plaintiffs that if they intended to seek leave to amend their complaints at any point during this litigation, they should do so no later than April 26, 2010, so that the Court could avoid the need to rule more than once on the sufficiency of Plaintiffs' pleadings.

The Court is now in receipt of letters from Plaintiffs in each of the above-captioned actions, seeking leave to amend their complaints. The Court is also in receipt of (1) a letter from KPMG, a Defendant in the bondholders' action, indicating that it does not oppose amendment,

- (2) several letters from the Wachovia defendants indicating that they do oppose amendment, and
- (3) several letters from the underwriter defendants indicating that they do oppose amendment.

If Defendants are correct, and Plaintiffs' proposed amendments would add little to the sufficiency of Plaintiffs' pleadings, it should be a relatively simple matter for Defendants to adapt their existing briefs to the amended complaints. And if Defendants are correct that Plaintiffs' pleadings are insufficient, it will be more efficient for the parties, and the Court, to resolve the motions to dismiss once, without the prospect of future requests to amend the complaints. Accordingly, Plaintiffs shall be granted leave to amend. The parties to the above-captioned actions shall meet and confer, and by May 10, 2010, they shall submit a joint proposed schedule governing when the amended complaints shall be filed and when the briefs on the motions to dismiss shall be due.

The Clerk of the Court is respectfully directed to terminate the motions to dismiss pending in the above-captioned actions as moot.

Dated: May 3, 2010
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE